



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2025

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

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“The Legal Personality of Artificial Intelligence and Robots: Challenges and Prospects in Modern Jurisprudence”

~Asmita Kumari

ABSTRACT

The idea of legal personality defines who or what can hold rights and responsibilities under the law. Traditionally, this status belongs to humans and extends to legal entities like corporations, idols, and even rivers or temples. With the rise of the digital age, a new question has arisen: should artificial intelligence (AI) and robots be recognized as legal persons? They can make decisions, perform tasks, and even cause harm, but they do not experience emotions or intent like humans. In traditional legal thought, intent was key to being considered a legal person. This belief is now being called into question, as AI can operate independently in ways that impact people and society.

AI technologies are no longer just theoretical; they are actively used in finance, healthcare, transportation, defense, and governance. These systems often make autonomous decisions with significant consequences. Self-driving cars, medical diagnostic tools, and humanoid robots showcase a level of independence that complicates traditional views on liability and accountability. When an AI system causes harm, it becomes difficult to determine who is responsible: the manufacturer, the programmer, or the user?

In this context, modern jurisprudence faces a dilemma. Can we treat AI and robots as legal persons like corporations, with rights and duties, or should they remain mere tools of human agency?

Concept of Legal Personality

Legal personality is a fundamental concept in law that defines who or what can have rights and responsibilities. Typically, we think of legal persons as human beings because they can think, speak, and make choices. However, the law also recognizes other entities, such as companies, universities, and idols, as legal persons.¹

The term “person” comes from the Latin word *persona*, which means a mask worn by actors. It initially referred to the role someone played in life. Over time, it began to signify any being recognized by law as having rights and duties. Importantly, not every living human is automatically a legal person. For instance, in ancient times, slaves were regarded as property rather than people. Similarly, in Hindu law, a monk who renounces worldly life may not be considered a legal person, as he forfeits worldly rights and responsibilities.²

According to Salmond, “A person is any being whom the law regards as capable of rights and duties. Any being that is so capable is a person, whether it is human or not; and no being that is not so capable is a person even if it is a man.” This means that a person is anyone the law identifies as capable of rights and responsibilities.

The Indian legal framework, specifically Section 11 of the Indian Penal Code (IPC),³ also classifies companies and associations as persons. Courts have recognized non-human entities as legal persons, as seen in the *Shiromani Gurudwara Prabandhak Committee v. Som Nath Dass case*⁴ (AIR 2000 SC 1421).

There are two types of persons:

1. Natural persons – living humans with legal rights and duties.
2. Legal, artificial, or juristic persons – non-human entities like corporations or idols that the law treats as persons. They do not feel or think like humans, but the law allows them to own property, sign contracts, and be sued or held accountable. These legal persons are created by law and do not exist naturally. They are also called fictitious, artificial, juristic, or moral persons.⁵ This category includes corporations, states, trusts, and, in rare cases, rivers and temples, such as in the *Mohd. Ismail v. State of Bihar case*⁶ (AIR 1969 Pat 1).

¹ G.W. Paton, *A Textbook of Jurisprudence*, 4th edition., Oxford University Press, 1972, p. 349.

² V.D. Mahajan, *Jurisprudence and Legal Theory*, 5th edn., Eastern Book Company, 2016, p. 231.

³ Bharatiya Nyaya Sanhita, 2023, s. 2(11).

⁴ *Shiromani Gurudwara Prabandhak Committee v. Som Nath Dass*, AIR 2000 SC 1421

⁵ G.W. Paton, *A Textbook of Jurisprudence*, 4th edn., Oxford University Press, 1972, p. 349.

⁶ *Mohd. Ismail v. State of Bihar case* (AIR 1969 Pat 1).

Essential attributes of legal personality include:

- (A) The ability to sue and be sued
- (B) Ownership of property
- (C) Liability for wrongs
- (D) Recognition under statutory or common law.

These characteristics are not based on biological existence but on legal function and societal role.

What Is Artificial Intelligence?

Artificial Intelligence is a type of computer technology that imitates human thinking. It can learn from experiences, make decisions, solve problems, understand language, and recognize images.

Examples include Siri and Alexa (voice assistants), ChatGPT (language models), self-driving cars, medical diagnostic tools, and trading bots in finance. In the legal field, AI can review contracts, predict case outcomes, assist with legal research, draft documents, and analyze evidence. These systems are already part of our daily lives. However, they are more than just tools; they are beginning to act like independent agents.⁷

What Are Robots?

Robots are machines that can perform tasks automatically. Some are simple, like vacuum cleaners, while others are complex, such as surgical robots or humanoid assistants. When powered by AI, robots can:

- Make decisions
- Interact with humans
- Learn from their surroundings⁸

⁷ Aditi Bharti & Dr. Gagandeep Kaur, Exploring the Legal Personality of Artificial Intelligence: Challenges, Opportunities, and Future Directions, *Journal of International and European Research* <https://jier.org>

⁸ Arpita Ranjan & Aman Yadava, "Artificial Intelligence in the Legal Sector," *International Journal of Human Rights Law Review*, Vol. 3, Issue 4 (2024), p. 187.

AI is becoming smarter and more autonomous, moving beyond being a mere tool. It now makes decisions that impact people's lives. For example, a chatbot may provide legal advice, a robot could perform surgery, or an algorithm might determine who qualifies for a loan.⁹

Indian law operates on the premise that only people or companies can be held responsible. To commit a crime, you need to have intent, often called a “guilty mind” (Mens Rea). But AI lacks emotions or intentions; it simply follows code.

Under current laws, such as the Bhartiya Nyaya Sanhita (BNS), it is challenging to pinpoint fault when something goes wrong with AI. Responsibility usually shifts to the developer or user instead of the AI itself.¹⁰

Challenges¹¹

1. Lack of Consciousness

AI does not possess feelings, emotions, or a sense of right and wrong. It cannot feel guilt or take moral responsibility, making punishment or rehabilitation difficult.

2. Accountability Gaps

When an AI system causes harm, who should be held accountable? The developer, the user, the company, or the AI itself? Current laws do not provide clear answers, leading to confusion and unfair results. An example is the Uber self-driving car incident in 2018, where a pedestrian was killed by an autonomous vehicle. Legal questions arose regarding whether Uber, the programmer, or the AI itself was liability.

3. Data Security and Privacy

AI systems handle large amounts of personal data. The Digital Personal Data Protection Act, 2023, in India attempts to regulate this, but enforcing rules against non-human entities is unclear. Lawyers work with highly sensitive information that can be vulnerable to hacking. Ensuring data security from cyberattacks is a significant concern.

⁹ Abhinav Prem & Vinit Kumar Sharma, “Artificial Intelligence and Legal Personhood: Defining Accountability and Responsibility,” *IJRPR*, Vol. 5, Issue 11 (2024),

¹⁰ Aditi Bharti & Gagandeep Kaur, “Exploring the Legal Personality of Artificial Intelligence,” *Journal of International and European Research*, Vol. 2, Issue 3 (2024), p. 6.

¹¹ Abhinav Prem & Dr. Vinit Kumar Sharma, *Artificial Intelligence and Legal Personhood: Defining Accountability and Responsibility*, *IJRPR* Vol 5, Issue 11 (2024)

4. Ethical Concerns

Granting rights to machines may undermine human dignity.

5. Social Friction

Giving rights to machines could create social tension, especially when many people still lack fundamental rights.

Prospects

Globally, no legal system has granted AI or robots full legal personality. They are still treated as tools or products, with liability assigned to developers, owners, or users. European Union debates: The EU's 2017 proposal to consider "electronic personhood" for highly autonomous AI agents sparked controversy. While not adopted, it catalysed ongoing debate about accountability and rights. As of 2025, the legal personality of artificial intelligence (AI) and robots remains a theoretical construct, with no jurisdiction formally recognizing AI as a legal person. However, scholarly and regulatory debates are intensifying, especially around autonomous systems and liability frameworks.¹²

Global Perspective

Around the world, countries are trying to figure out how to deal with smart machines like AI and robots in law. Saudi Arabia granted citizenship to the humanoid robot Sophia in 2017. In Europe, there was a proposal to give AI its own legal identity called "electronic personality," so it could be held responsible for its actions. But this idea was later dropped due to ethical concerns. China initially denied copyright to AI-generated works but later upheld protection in specific cases.¹³

Conclusion

¹² Ishita Setha, *The Legal Personality of AI: Can Machines Have Rights and Duties?*, July 8, 2025, Available at <https://lawfullegal.com>. (last visited on 10 oct 2025).

¹³ Aditi Bharti & Gagandeep Kaur, "Exploring the Legal Personality of Artificial Intelligence," *Journal of International and European Research*, Vol. 2, Issue 3 (2024), p. 8.

The growth of artificial intelligence and robots has challenged traditional legal concepts about accountability under the law. Legal personality used to be reserved for humans and select non-human entities like companies or temples. However, AI systems now undertake tasks, make decisions, and even cause harm, yet they do not have emotions, intent, or moral understanding. This situation poses significant legal and ethical challenges, particularly regarding accountability and justice.

Current Indian laws, such as the *Bhartiya Nyaya Sanhita*, are not capable of addressing these complexities. AI cannot be punished like a human, and assigning accountability to developers or users is often neither fair nor straightforward. As AI systems become more independent, the law needs to evolve accordingly.

India should explore creating a special legal framework for AI, possibly allowing limited legal personality for highly autonomous systems. There must be clear rules defining liability and who is responsible when AI causes harm. Additionally, public education on AI-related risks should be promoted. Most importantly, human dignity and rights must remain central to ensure that machines serve society without replacing or dominating humans.